

REMARKS

This Amendment is responsive to the Office Action dated April 15, 2005. Claims 1-20 were pending in the application. In the Office Action, claims 1-20 were rejected. In this Amendment, claims 1-20 were cancelled, the specification and the drawings were amended and claims 21-40 were added. Claims 21-40 thus remain for consideration.

Applicant submits that claims 21-40 are in condition for allowance and requests withdrawal of the rejections in light of the following remarks.

Objections to the Drawings

The drawings were objected to under 37 C.F.R. 1.83(a) because they fail to show 13 in Fig. 5 as described in the specification.

The objections to the drawings have been corrected and replacement drawings (Figs. 1-3 and 5-7) are attached to this amendment.

Objections to the Specification

The disclosure was objected to because of minor grammatical errors.

The objections to the disclosure have been corrected. Accordingly, the objections to the disclosure should be removed.

Objections to the Claims

Claims 1, 6-11, 13-17 and 20 were objected to because of informalities.

Claims 1, 6-11, 13-17 and 20 were cancelled, therefore, the Examiner's objections are considered moot.

§§ 102 and 103 Rejections

Claims 1-17 and 19-20 were rejected under 35 U.S.C. 102(b) as being anticipated by Kejejian (USPN 6,449,985).

Claim 18 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kejejian (USPN 6,449,985) in view of Bruhl (USPN 138,314).

Claims 1-20 were cancelled, therefore, the Examiner's rejections to these claims are considered moot. However, Applicant submits that newly added independent claim 21 is patentable over Kejejian '985 and Bruhl.

Applicant's invention as recited in the independent claim 21 is directed toward a mixed cut gemstone. For example, independent claim 21 specifies that the gemstone comprises a pavilion, four lower corner facets, two long side lower girdle facets, two short side lower girdle facets, a plurality of step cuts, and a plurality of rib lines. Claim 1 further specifies that the steps are at predetermined angles with respect to the lower girdle facets with each step being at a slightly different angle. Supporting disclosure for Applicant's steps can be found throughout the specification.

Kejejian '985 and Bruhl do not disclose steps that are at predetermined angles with respect to the lower girdle facets with each step being at a slightly different angle.

Since Kejejian '985 and Bruhl do not disclose steps that are at predetermined angles with respect to the lower girdle facets with each step being at a slightly different angle, Applicant believes that the independent claim 21 is patentable over Kejejian '985 and Bruhl – taken either alone or in combination -- on at least this basis.

Claims 22-40 depend on claim 21. Since claim 21 is believed to be patentable

over Kejejian '985 and Bruhl, claims 22-40 are believed to be patentable over Kejejian '985 and Bruhl on the basis of their dependency on claim 21.

Applicant respectfully submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

CONCLUSION

Applicant respectfully submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 06-0515.

Respectfully submitted,
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